

MILITARY AFFAIRS

SB 220 — Official State Flagship

by Senator Crist

This bill designates the merchant marine vessel *SS American Victory* as the official state flagship. This Tampa-based ship currently serves as a memorial and museum ship honoring the contributions of the United States Merchant Marine.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 38-0; House 118-0

CS/SB 1364 — Governor's Medal of Merit

by Governmental Oversight and Productivity Committee and Senators Fasano, Cowin, Lynn, Dockery, Bullard, and Atwater

This committee substitute authorizes the Governor to present, in the name of the State of Florida, a Medal of Merit to the following individuals: (a) any legal resident of this state who has rendered exceptional meritorious service to the citizens of this state; (b) any legal resident of this state who is serving on active duty with the U.S. Armed Forces, the Florida National Guard, or the U.S. Reserve Forces, and has rendered exceptional meritorious service to the citizens of this state; or (c) any legal resident of this state who has been honorably discharged from military service and, while on active duty, rendered exceptional meritorious service to the citizens of this state.

The committee substitute provides that “exceptional meritorious service” means acts of bravery above and beyond the level of duty normally required by that person’s respective military or civilian position. In the event of the death of an individual selected to receive the Governor’s Medal of Merit, the medal may be presented to a designated representative of the recipient. The medal may be presented to an individual one time only.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 40-0; House 110-0

VETERANS' AFFAIRS

CS/SB 1096 — Korean War Veterans/High School Diploma

by Military and Veterans' Affairs, Base Protection, and Spaceports Committee and Senators Fasano, Lynn, Bullard, Dockery, Atwater, and Crist

This committee substitute amends s. 1003.43, F.S., to provide two additional years of eligibility for qualifying veterans of the Korean conflict who did not complete high school due to military service. Currently, to qualify for a standard high school diploma under this section, a veteran must have been scheduled to graduate between 1950 and 1954 and must have been inducted into the armed forces between June 1950 and January 1954. The committee substitute revises these dates to provide that, in order to qualify for the diploma authorized under this section, a veteran must have been scheduled to graduate between 1949 and 1955, and must have been inducted in the armed forces between June 1949 and January 1955.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 40-0; House 115-0

BASE PROTECTION

HB 1183 — Unemployment Compensation/Military Spouses

by Rep. Green and others (SB 1606 by Military and Veterans' Affairs, Base Protection, and Spaceports Committee and Senators Fasano, Clary, Crist, Siplin, Lynn, Wasserman Schultz, Haridopolos, Miller, Dockery, and Webster)

This committee substitute amends s. 443.101, F.S., to provide that a military spouse is not disqualified for unemployment insurance benefits for voluntarily terminating work to relocate as a result of their military-connected spouse's permanent change of station orders, activation orders, or unit deployment orders. The committee substitute would enable military spouses who terminate their employment in order to accompany their active-duty spouse to another state or foreign country pursuant to the military's permanent change of station orders to receive unemployment insurance benefits. In addition, the committee substitute would enable the spouses of certain Florida National Guard members and Florida reservists who elect to terminate their employment and relocate pursuant to their spouse's activation or unit deployment orders to receive unemployment insurance benefits. The amount and duration of benefits would be consistent with existing benefit provisions contained in ch. 443, F.S. Individual Florida employers would not be charged under the committee substitute for purposes of calculating unemployment compensation contribution rates.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 38-0; House 109-0

CS/CS/SB 1604 — Military Affairs

by Appropriations Committee; Comprehensive Planning Committee; Military and Veterans' Affairs Committee, Base Protection, and Spaceports Committee; and Senators Fasano, Clary, Crist, Siplin, Lynn, Wasserman Schultz, Haridopolos, Miller, and Bullard

Florida's military installations and associated defense industries contribute \$44 billion to the state's economy. Only two other industries contribute more. The 21 bases and three unified commands situated in Florida will, like all other bases across the nation, be subjected to the current base realignment and closure process, commonly referred to as "BRAC." The BRAC process reflects a desire to eliminate excess capacity, experience the savings from that reduction in capacity, and fund higher priority weapon platforms and troop training. Capacity reductions may reach as high as 20-25%. There have been four BRAC rounds between 1988 and 1995. During the 1993 round, four Florida bases were closed. This legislation is aimed at supporting military installations and military families so that Florida will continue to be viewed as a military friendly state during the current BRAC round.

Encroachment

The committee substitute provides legislative findings on the compatibility of land development around military installations and the necessity for an exchange of information between local governments and military installations. Under the bill, each county that contains a military installation or other affected local government must transmit certain information to that military installation regarding proposed changes to its comprehensive plan or land development regulations which, if approved, could affect the intensity, density, or use of land adjacent to or in close proximity to that installation.

Upon receiving this information, a commanding officer or his or her designee may comment on the effect that the proposed change would have on the mission of the military installation. The commanding officer's comments may address:

- Whether the proposed change is incompatible with the safety and noise standards in the military installation's Air Installation Compatible Use Zone (AICUZ), adopted for that airfield;
- Whether the proposed change is incompatible with the Installation Environmental Noise Management Program (IENMP) of the U.S. Army;
- Whether the proposed change is incompatible with a completed Joint Land Use Study (JLUS) for that area; and
- Whether the military installation's mission will be adversely affected by the proposed change.

The local government must consider the comments of the commanding officer in making its decision as well as transmit those comments to the Department of Community Affairs. A representative acting on behalf of all the installations in that jurisdiction shall serve as an ex-officio, nonvoting member of the county's or affected local government's land planning or zoning board that would consider the commanding officer's comments and make the land use decision. The purpose of this exchange of information and comment process is to reduce decisions that create encroachment problems for a military installation. Encroachment can hinder an installation's mission which in turn can make it fall prey to the BRAC process.

The committee substitute requires the local government to include as part of the future land use plan element of its existing comprehensive plan the compatibility of uses on lands adjacent to or closely proximate to a military installation with the respective military installation. In addition, the future land use plan element must contain the criteria to be used in achieving the compatibility of adjacent or closely proximate lands with military installations. (See s. 163.3177, F.S.) Under the bill, local governments required to update or amend their comprehensive plans to include such criteria must transmit the update or amendment to the Department of Community Affairs by June 30, 2006. The amendment to a comprehensive plan addressing criteria for the compatibility of land uses with a military installation does not count toward the twice-per-calendar-year limitation on the frequency of plan amendments. (See s. 163.3187(1), F.S.) A local government's report evaluating and appraising its comprehensive plan must include an assessment of whether the criteria in the future land use plan element were successful in achieving compatibility with military installations. (See s. 163.191(2)(n), F.S.)

Military Base Protection Grant Program

The committee substitute also creates the Military Base Protection Grant Program which is to be implemented and coordinated by the Office of Tourism, Trade, and Economic Development (OTTED). The purpose of the program is to support local infrastructure projects that would have a positive impact on military installations within the state. Infrastructure projects to be funded by this program include, but are not limited to, those projects related to: encroachment, transportation and access, utilities, communications, housing, environment, and security. This program had been previously created and funded on an annual basis in the general appropriations bill.

The committee substitute also specifies that a grant request under this program must come from an economic development applicant serving in the official capacity of a governing board of a county, municipality, special district, or state agency that will have authority to maintain the project after completion. The applicant must represent a community or county in which a military installation is located. There is no limitation on the amount of any grant, but the county or local community may be required to match the amount. OTTED is authorized to establish guidelines for the program.

Military Families

The committee substitute strengthens Florida's existing programs that support military personnel and their families by addressing three critical quality of life concerns. First, the committee substitute enhances educational services for military dependents by enacting a number of provisions that support military students transitioning to Florida schools. In addition, the committee substitute revises requirements for certain military-dependent scholarships and special academic programs. Second, the committee substitute improves employment assistance for military spouses by tailoring job services to meet the unique needs of military spouses and streamlining certain professional licensing requirements. Finally, the committee substitute directs the Florida Housing Finance Corporation to undertake an assessment of the housing needs of Florida's military families.

Education-Related Issues

The committee substitute amends s. 295.01, F.S., to clarify eligibility requirements for military-dependent scholarships. This section currently provides scholarships for dependent children of veterans who died from injuries sustained during "wartime service." In comparison, this same section provides scholarships for dependent children of veterans who have a service-connected 100 percent total and permanent disability rating, *regardless* of whether the injury was sustained during a period of wartime service. The committee substitute eliminates the "wartime service" requirement and provides scholarships for the dependents of military personnel who have died as a result of service connected injuries, disease, or disability sustained while on active-duty. This revised language eliminates the existing disparity in the treatment of certain dependents and parallels requirements for military dependent educational benefits established by the U.S. Department of Veterans' Affairs.

The committee substitute amends s. 1002.39, F.S., which establishes eligibility criteria for the McKay Scholarships for Students with Disabilities Program, to waive the requirement that the student must have spent the prior year in attendance at a Florida public school for otherwise qualifying military students who relocate to Florida pursuant to a parent's military orders. Under this provision transferring military students would still be required to submit an individual educational plan and evaluation data necessary to establish program eligibility.

The committee substitute amends s. 1003.05, F.S., to direct the Department of Education (DOE) to facilitate the development and implementation of memoranda of agreement between school districts and military installations that address the transition-related challenges confronting military students. In addition, the committee substitute provides that dependent children of active-duty military personnel who otherwise meet the eligibility criteria for special academic programs offered through public schools are to be given first preference for admission to such programs. The preference is available even if the program is being offered through a public school other than the school to which the student would generally be assigned and the school at which the program is being offered has reached its maximum enrollment. If such a program is

offered through a public school other than the school to which the student would generally be assigned, the parent or guardian of the student must assume responsibility for transportation of the student to that school. Special academic programs, for purposes of this preference, include charter schools, magnet schools, advanced studies programs, advanced placement, dual enrollment, and International Baccalaureate.

Section 1008.221, F.S., is amended to exempt military dependents transitioning to Florida schools during the 12th grade of high school from the requirement to pass the grade 10 FCAT, provided the military dependent has satisfactorily attained a passing grade on an approved alternative assessment examination. For purposes of this section, approved alternative assessments are the SAT and ACT.

The committee substitute amends s. 1009.21, F.S., to provide resident tuition for foreign liaison officers and their dependents assigned to U.S. military commands. This revision parallels an existing provision in law which extends in-state tuition to Canadian military personnel and their families stationed in Florida under the North American Air Defense Agreement. The committee substitute also adds military dependents to an existing provision allowing members of the military and their spouses living outside of Florida to be eligible for in-state tuition provided the public community college or university they are attending is within 50 miles of the military establishment where they are stationed, and providing that such military establishment is in a county contiguous to Florida.

Spouse Employment Issues

The committee substitute amends s. 445.007, F.S., to provide for the appointment of a military representative to those regional workforce development boards serving military installations. AWI estimates this provision would impact eight of the state's 24 regional workforce boards.

Section 464.009, F.S., is amended to expedite the existing licensure by endorsement process for certain relocating military spouses who are nurses. Currently, this section requires applicants for licensure by endorsement to demonstrate that the qualifications they met at the time of original licensure in another state were substantially similar to or more stringent than those existing in Florida at that time. The committee substitute amends this section to provide that nurses who are relocating to Florida pursuant to their military-connected spouse's official orders and who are licensed to practice in a state that is a member of the Nurse Licensure Compact are deemed to have satisfied the requirement to document conditions at the time of original licensure. Eligible applicants would still be required to submit the appropriate application and fees, and undergo a criminal background check.

The committee substitute also amends this section to reenact an existing alternative licensing provision for certain nurses relocating to Florida. Under this alternative licensure provision, licensure by endorsement applicants may become licensed without completing an equivalent examination if the applicant has actively practiced nursing in another state, jurisdiction, or

territory of the United States for 2 of the preceding 3 years without having his or her license acted against. In addition, the applicant must complete within 6 months after licensure a Florida laws and rules course approved by the Florida Board of Nursing. This alternative licensure provision is scheduled to expire on July 1, 2004.

Section 464.022, F.S., is amended to extend from 60 to 120 days the period during which a nurse relocating to Florida pursuant to his or her spouse's military orders can perform nursing services while the Board of Nursing is processing the licensure application.

The committee substitute directs Workforce Florida, Inc., to develop and implement (through selected One-Stop Career Centers) an employment assistance/advocacy program targeted to support military spouses. This program would assist employment seeking military family members through job counseling, job search and placement services, and the dissemination of information on educational and training programs. Military family employment advocates would also be responsible for the coordination of employment services through one-stop centers, military family support centers, and local veterans' organizations.

This committee substitute amends s. 443.101, F.S., to provide that a military spouse is not disqualified for unemployment insurance benefits for voluntarily terminating work to relocate as a result of their military-connected spouse's permanent change of station orders, activation orders, or unit deployment orders. The committee substitute would enable military spouses who terminate their employment in order to accompany their active-duty spouse to another state or foreign country pursuant to the military's permanent change of station orders to receive unemployment insurance benefits. In addition, the committee substitute would enable the spouses of certain Florida National Guard members and Florida reservists who elect to terminate their employment and relocate pursuant to their spouse's activation or unit deployment orders to receive unemployment insurance benefits. The amount and duration of benefits would be consistent with existing benefit provisions contained in ch. 443, F.S. Individual Florida employers would not be charged under the committee substitute for purposes of calculating unemployment compensation contribution rates.

The above changes to the unemployment compensation law for military spouses was also passed in a separate bill, HB 1183, relating only to that subject matter.

Affordable Housing

The committee substitute directs the Florida Housing Finance Corporation to conduct an assessment of the housing needs of Florida's military families and report its findings to the Governor and Legislature by December of 2004. This needs assessment, which will focus on low and moderate income military families, will examine the availability of affordable homeowner and rental housing in proximity to Florida's military installations.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 110-0

CS/SB 2496 — Military Installations/Public Records

by Governmental Oversight and Productivity Committee and Senator Fasano

The Department of Defense has once again embarked on another round of base realignments and closures, commonly referred to as “BRAC,” during which military installations across the nation will be reviewed to determine whether functions and bases can be consolidated or closed. The BRAC process reflects a desire to eliminate excess capacity, experience the savings from that reduction in capacity, and fund higher priority weapon platforms and troop training. Capacity reductions may reach as high as 20-25 percent. There have been four BRAC rounds between 1988 and 1995. During the 1993 round, four Florida bases were closed.

As the Governor’s BRAC advisory council pursues its responsibilities in conjunction with local host military communities, certain specific questions will have to be asked, relative data will have to be collected, and the questions will have to be answered. These questions include an honest assessment of our military installations, an assessment of what missions can be realigned to Florida installations from installations closed in other states, and an overall state strategy to keep Florida installations off the base closure list for BRAC 2005. Some of this information will be of a sensitive nature that would be valuable to other states and outside consultants, and probably detrimental to the Florida effort if not protected. Therefore, specific, select information as described in this bill is made exempt from what is commonly referred to as Florida’s public records and sunshine laws.

The bill exempts from s. 119.07(1), F.S., and s. 24(a), Art. I, State Constitution, that portion of records held by the Governor’s BRAC Advisory Council or the Office of Tourism, Trade, and Economic Development that relate to:

- The strengths or weaknesses of military installations or military missions in this state relative to the selection criteria of the Department of Defense for base realignment and closure,
- The vulnerability or immunity of military installations or military missions in other states or territories with respect to closure or realignment, and
- The state’s strategy to retain its military installations as a response to the federal authorization of realignments and closures of military installations in 2005.

To be able to have any critical impact, the BRAC Advisory Council must be able to use this information without disclosing it to the public, and more importantly, to other states also developing their own BRAC strategy. Therefore, meetings of the Advisory Council, its

committees or subcommittees, at which the above information is presented or discussed are closed to the public and exempt for s. 286.011, F.S., and s. 24(b), Art. I, State Constitution. Any records generated at these closed portions are also exempt from inspection under the public records law.

A person who willfully and knowingly violates this section commits a misdemeanor of the first degree.

The exemption is repealed on May 31, 2006, and the records made confidential and exempt are open for public inspection at that time.

The bill also provides the public necessity justifying the exemption. That justification includes not putting the state in a competitive disadvantage with other states seeking to retain their bases, providing the Advisory Council with equal standing with other states that do not have to disclose such information, and the obligation of the state to protect our bases and the economic contribution they make to our state.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 36-0; House 117-0